

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

THE MEDICAL CENTER AT  
ELIZABETH PLACE, LLC,

Plaintiff,

v.

PREMIER HEALTH PARTNERS,  
*et al.*,

Defendants.

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Case No. 3:12-cv-26

JUDGE WALTER H. RICE

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ADDENDUM TO DECISION AND ENTRY SUSTAINING DEFENDANTS'  
MOTION TO CLARIFY ISSUES FOR TRIAL, WHICH THE COURT  
CONSTRUED AS A MOTION FOR RECONSIDERATION (DOC. #267)


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On August 9, 2017, the Court issued a Decision and Entry (Doc. #267) Sustaining Defendants' Motion to Clarify Issues for Trial (Doc. #195), which the Court construed as a Motion for Reconsideration of that portion of Judge Timothy Black's October 6, 2016, Order (Doc. #183) overruling Defendants' Motion for Summary Judgment that the *Per Se* Rule Does Not Apply and that Plaintiff's Claim Should Be Dismissed (Doc. #132). The Court concluded that Judge Black's ruling was clearly erroneous and that, because the *per se* rule does not apply and Plaintiff has disavowed any reliance on the rule of reason, Plaintiff's Sherman Act claim must be dismissed with prejudice.

To the extent that the Decision and Order may not have *explicitly* set forth the procedural vehicle by which such dismissal was proper, this Addendum simply

seeks to clarify that Defendants are, in fact, entitled to summary judgment on their Motion for Summary Judgment that the *Per Se* Rule Does Not Apply and that Plaintiff's Claim Should Be Dismissed (Doc. #132).

Date: August 14, 2017

  
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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE